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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,861	01/19/2000	Toshifumi Oba	51270-245626	3664

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Pillsbury Madison & Sutro LLP  
725 South Figueroa Street  
Suite 1200  
Los Angeles, CA 90017-5443

EXAMINER

BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 08/12/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

2

# Office Action Summary

Application No.

09/487,861

Applicant(s)

OBA ET AL.

Examiner

X L Bautista

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on 1 April 2003 have been fully considered but they are not persuasive.

A. Applicant argues (page 19, lines 11-16) that "Humpleman...does not disclose an editing section *external to the main section* that is operated to edit display data representative of a label corresponding to a capability provided by the main section *and to output the data representative of the label corresponding to the capability.*"

However, Humpleman discloses an audio system and method (software, program, control information, output command; that is external (separate) to the main section) for controlling diverse home devices having a main section, editing section, storage section, selecting section, and display section (all sections separate from each other), (col. 21, lines 30-35; col. 22, lines 43-49; col. 25, lines 7-9; figs. 1, 5B, 9, 13, 14). Humpleman teaches an editing section (figs. 5A, 6-8, 10, 11) that the user may use to define or edit display data representative of a label corresponding to a capability provided by the main section and to output the data representative of the label corresponding to the capability (col. 14, lines 13-16; fig. 7; col. 21, lines 1-67; col. 22, lines 1-16).

B. Applicant argues (page 21, lines 4-10) that "Miller reference discloses a method of storing a sound field simulation associated with a preset radio frequency

for a specific preset button and a method of recalling the sound field simulation by depressing the specific preset button...This is not the same as an audio system including an editing section *external to the main section* that is operated to edit display data representative of a label corresponding to a capability provided by the main section *and to output the data representative of the label corresponding to the capability.*"

See response to argument A. Miller is not relied upon for "an audio system including an editing section external to the main section that is operated to edit display data...and to output the data representative of the label corresponding to the capability," rather it is used for its teaching of applying different modes of sound effects to an audio signal. Humpleman/Miller teaches that different modes of sound effects may be applied to an audio signal with visual indication of the sound effects by labels.

C. Applicant argues (page 22, lines 16-18) that "Humpleman reference does not show an audio system capable of processing an audio signal inputted from different types of signal sources with visual indication of the signal sources by labels..."

See response to argument A. Humpleman teaches an audio system capable of processing an audio signal inputted from different types of signal sources with visual indication of the signal sources by labels (figs. 5A, 8, 10, 11; col. 9, lines 30-63).

D. Applicant argues (page 23, lines 8-11) that "the Humpleman reference makes no mention of an audio system including an editing section, a selecting section, and a display section *wherein the editing section is external to the selecting section and the display section.*"

See response to argument A. Humpleman teaches a home network having multi-media devices connected thereto. Devices such as PC, TV, VCR, DVD, stereo equipment etc. may be connected to the home network (col. 1, lines 20-36; col. 6, lines 53-67), which need to have or be connected to an audio system (col. 4, lines 50; col. 17, lines 42-52; col. 19, lines 37-45).

E. Applicant argues (page 24, lines 5-10) that "the Miller reference discloses a method of storing a sound field simulation associated with a preset radio frequency for a specific preset button and a method of recalling the sound field simulation by depressing the specific preset button...this is not the same as an audio system including an editing section, a selecting section and the display section *wherein the editing section is external to the selecting section and the display section.*"

See response to argument A. Miller is not relied upon for "an audio system including a selecting section, a display section, and an editing section external to the selecting section and display section," rather it is used for its teaching of applying different modes of sound effects to an audio signal.

***Claim Objections***

2. Claim 19 is objected to because of the following informalities: "received" (line 6) should be changed to --receive--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-4, 13-16, 19, and 21-25 are rejected under 35 U.S.C. 102(e) as being anticipated by *Humpleman et al* (US 6,288,716 B1).

**Claims 1, 13, 14, 15:**

Humpleman discloses a method for commanding and controlling diverse

home devices. The home devices can display user interface data, which defines a user interface for commanding and controlling the home devices. The system has a main section (home device, software, session manager), an editing section (figs. 5A, 6-8, 10, 11), a storage section (col. 21, lines 30-35; col. 22, lines 1-10; col. 25, lines 7-9) and a display section (abstract; col. 2, lines 46-60; figs. 5A, 6-8, 10-13). A configuration manager maintains a list of the home devices that are currently connected to the home network (abstract; col. 2, lines 46-60).

Humpleman teaches (fig. 5A) a device link page 402 that contains home device buttons 406 for each home device; when the user selects a button 406, the respective device's home page is displayed (col. 13, lines 52-60). Fig. 6 illustrates a device link page 502 containing home device buttons 504 and manufacturer device buttons 506 (col. 14, lines 4-7). The user may define the arrangement of device images and logos according to his/her own criteria. The user may change the device's label as shown in figs. 8, 10 and 11; instead of displaying a device button with the label TV, the user may change the label to "Dad's TV" since the device's HTML page has been customized by "Dad" (col. 14, lines 13-16; fig. 7; col. 21, lines 1-67; col. 22, lines 1-16).

Claims 2, 3, 4, and 25:

See claim 1. See: figs. 5A, 8, 10, and 11; col. 9, lines 30-63.

Claim 16:

See claim 1. See: col. 5, lines 62-67; col. 19, lines 27-31.

Claim 19:

See claim 1. Humpleman teaches a home network system having various kinds of capabilities (col. 19, lines 11-19) of processing an audio signal (col. 4, lines 42-57; col. 17, lines 42-52; col. 19, lines 37-45) with visual indication of the capabilities by labels (figs. 10-13). Humpleman teaches an interface (abstract; col. 6, lines 10-41, 61-67; col. 7, lines 1-3) for connection with an editing system (software external to the other systems) (col. 9, lines 30-63; figs. 5A, 6-8, 10, 11); a storage section that stores user interface data and edited data (col. 21, lines 30-35; col. 22, lines 1-10; col. 25, lines 7-9); a display section (abstract; col. 2, lines 46-60; figs. 5A, 6-8, 10-13) that displays labels that can be customized according with the corresponding capability (col. 19, lines 37-59; col. 20, lines 25-38).

Claim 21:

See claim 19. Humpleman teaches wireless communication protocols (col. 5, lines 50-61).

Claim 22:

See claim 1. Humpleman teaches an interface that allows the user to select (user input) one type of the capabilities of processing an audio signal (abstract; col.



19, lines 37-45; col. 20, lines 25-38).

Claim 23:

See claim 1. Humpleman teaches that the term "home devices" encompasses all electronic devices that are typically found in the home including stereo equipment and theatre equipment (col. 1, lines 20-36). Humpleman teaches that the system is capable of outputting audio signals (col. 17, lines 42-52; col. 19, lines 37-45). Therefore, Humpleman home network must include at least one audio amplifier and at least one speaker.

Claim 24:

See claim 1. Humpleman teaches that the user is enabled to set and modify settings (display data) and save it in memory (col. 21, lines 17-67; col. 22, lines 1-49; col. 25, lines 7-9).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-12, 17, 18, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Humpleman* in view of *Miller* (US 5,530,924).

Claims 5, 9, and 26:

See claim 2. Humpleman does not teach that the system can apply different modes of sound effects to an audio signal with visual indication of the sound effects by labels. However, Miller discloses a radio receiver having stored radio station memory presets that stores audio effects associated with stored radio station presets (abstract; col. 1, lines 10-13). Miller teaches that the system provides memory storage of a desired audio effect corresponding to each broadcast channel corresponding to a memory preset. A user may set tonal qualities and/or sound files simulations for a particular broadcast channel which will automatically be recalled when accessing that broadcast channel via a memory preset (col. 1, lines 66-67; col. 2, lines 1-12). Therefore, it would have been obvious to include different modes of sound effects to an audio signal with visual indications by labels in Humpleman's invention because as Miller says "these various audio effects allow individual preferences depending on the type of broadcast programming being received" (col. 1, lines 46-58).

Claims 6, 7, 8, 11, 17, 18, and 27:

See claim 5. Miller teaches an audio system having a radio tuner selectably tunable to a plurality of broadcast channels (col. 2, lines 10-27).

Claims 10 and 12:

See claim 5. Miller teaches a system having capabilities of inputting an audio signal from different types of signal sources (col. 2, lines 10-27, 51-67; col. 3, lines 21-36).

**7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman.**

Claim 20:

Humpleman teaches that a 1394 serial bus 114 connects multiple home devices of the home network 100 and that many different communication protocols could be used to provide communication for the home network (col. 4, lines 42-57; col. 5, lines 50-61; col. 6, lines 24-47). Humpleman does not teach that the interface for connection with the external editing system operates in accordance with the Universal Serial Bus (USB) protocol. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a USB protocol in Humpleman's home network system because a USB connects peripherals to a microcomputer; it can connect up to 127 peripherals, modems, mice, and keyboards to the system through a single general-purpose port; it supports hot plugging (allows equipment to be connected to an

active device, such as a computer, while the device is powered on) and multiple data streams.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703)

Art Unit: 2173

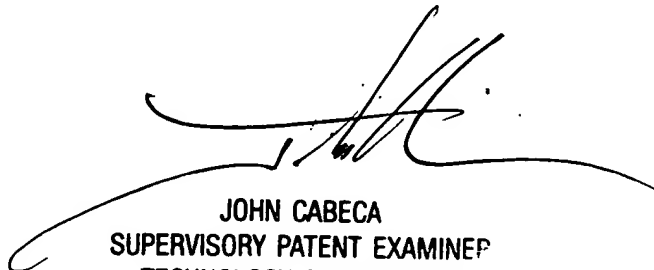
305-3921. The examiner can normally be reached on M-Th (8:00-18:00) Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



X L Bautista  
Patent Examiner  
Art Unit 2173



JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

xlb  
August 8, 2003